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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Akira Ohmura

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EXAMINER

RAMAN, USHA

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

06/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/748,206	Applicant(s) OHMURA, AKIRA	
	Examiner USHA RAMAN	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 60-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 60-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4-22-09</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 22, 2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claim 60 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 60-61 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (US PG Pub. 2002/0047938) in view of Winter et al. (US Pat. 5,875,304).

With regards to claim 60, Inoue discloses an image recorder comprising:

A hard disk that records data of a visual broadcast program [0074];

A playback that plays back the data of the visual broadcast recorded in the hard disk [0074];

A receiver that receives a digital image taken by a digital camera [0020] and recording (i.e. transferring) digital image data to the hard disk [0121], [0129].

Inoue does not disclose a controller that prevents recording of the digital image data to the hard disk during a time when the data of the visual broadcast program is being recorded to the hard disk and during a time when the data of the visual broadcast program recorded in the hard disk is being played back by the playback.

In an analogous art, Winter discloses a system that allows archiving, recording and playback options in a video recording/playback device (see col. 75, lines 51-53). Winter discloses prioritizing recording over playback and archiving (see col. 76, lines 40-42) and prioritizing playback over archiving (see col. 76, lines 26-28) when system resources become constrained (col. 76, lines 8-16). It is further noted that the step of archiving entails the step of transferring data from one storage location to another.

It would have been obvious to one of ordinary skill in the art the time of the invention to modify the system of Inoue in view of Winter by prioritizing recording over playback and archiving (i.e. transferring) and further prioritizing playback over archiving when system resources are constrained, thereby allowing a broadcast program to be recorded and transferring digital image data from external memory to hard drive when the recording or playback of the visual broadcast program has

Art Unit: 2424

completed. By prioritizing recording and playback of programs over archival of data when system resources are constrained, the modified system prevents recording of the digital image from external memory to the hard disk at a time when visual program is being recorded and during a time when data of the visual broadcast program recorded in the hard disk is being played back by the playback.

With regards to claim 61, the modified system further comprises wherein the receiver includes a memory slot into which a memory of the digital camera is capable of being inserted [0176], [0099].

With regards to claim 63, the modified system does not disclose the step of indicating that the recording of digital image to the hard drive is not possible during playback or recording of the visual broadcast program to the hard disk. Examiner however takes official notice that it was well known in the art at the time of the invention to notify users of status of operations. Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system by notifying the user of a status that archival is not possible during playback or recording of the visual broadcast program to the hard disk, due to system resources being low.

Art Unit: 2424

5. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (US PG Pub. 2002/0047938) in view of Winter et al. (US Pat. 5,875,304) as applied to claim 60 above and further in view of Smyers (US Pat. 6,430,629).

With regards to claim 62, Inoue discloses that plurality of devices maybe coupled to the receiver via 1394 connection [0074]. Inoue is silent on connecting the digital camera to the receiver.

In an analogous art, Smyers discloses that a digital camera maybe electrically connected to a receiver over a 1394 connection.

Accordingly it would have been obvious to one of ordinary skill in the art to further modify the system by allowing a camera to couple to the receiver over a 1394 interface, wherein the images maybe transferred from the camera to the receiver for archival. The motivation would be to allow a user to interact with contents of the camera on a receiver without having to remove the external memory.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Pat. 7,243,131 to Inoue

US Pat. 6,614,470 to Manowitz et al.

US Pat. 6,762,791 to Schuetzle

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424

/Usha Raman/